Walter O'Cheskey
Standing Chapter 13 Trustee
6308 Iola Ave.
Lubbock, TX 79424
(806) 748-1980 Office
(806) 748-1956 Fax

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	
	§	**CASE NO. 10-70303-13**
EMILY CRESS SORELLE		
	§	
DEBTOR(S)	§	

TRUSTEE'S RESPONSE IN OPPOSITION TO MOTION TO REINSTATE

NOW COMES WALTER O'CHESKEY, STANDING CHAPTER 13 TRUSTEE, in the above styled and numbered case and files the Trustee's response to Debtor's Motion to Reinstate Case.

1. Trustee admits the allegations contained in paragraphs 1 and 2 of the motion.
2. Trustee can neither admit nor deny the allegation contained in paragraphs 3, 4, 5 of the Motion.
3. With regards to the allegation contained in paragraph 6 of the Motion, Trustee admits that attorney Max Tarbox requested and received a two week extension and that debtor was notified by Diane Davis (of the Trustee Office) that she had a two week extension.
4. Trustee specifically denies that Diane Davis, or any other employee of the Trustee, advised debtor that the "transaction was fine" or that debtor was in anyway misinformed or mislead by anyone with the Trustee office. Trustee can neither admit nor deny allegation of events between debtor and Mr. White.
5. Trustee can neither admit nor deny the allegation contained in paragraphs 8 and 9 of the Motion.

6. Trustee would affirmatively plead and show that debtor filed Chapter 13 on May 10, 2010 in Case number 10-70200 before this Court. Said case was dismissed June 29, 2010. Debtor's first payment was returned NSF and debtor failed to cure the default.

7. Trustee would further show that debtor filed this case on July 8, 2010. At the time of filing, Debtor filed a Motion to Extend Stay alleging "changed circumstances" demonstrating her ability to complete her plan. On July 23, 2010 this Court extended its order extending the stay except for a detainer action.

8. Trustee would further show that debtor made her first plan payment which was received by Trustee on August 9, 2010. However, debtor's second plan payment received by the Trustee September 7, 2010 was returned NSF. Debtor has not cured said default.

9. Trustee would further show that on at least 6 occasions, debtor called the Trustee's office and said that she had purchased money orders or certified funds that would be mailed immediately with copies faxed to wit; September 13, 2010, September 17, 2010, September 22, 2010, September 28, 2010, September 30, 2010 and October 4, 2010 according to the Trustee phone log.

10. The Trustee would further show that debtor never notified the Trustee of a change of address.

WHEREFORE Trustee prays the relief requested be denied.

Respectively Submitted,

Walter O'Cheskey Trustee

Marc McBeath, Staff Counsel
SB# 13328600
6308 Iola Ave.
Lubbock, TX 79424

C**ERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Trustee's Response in Opposition to Motion to Reinstate on this date was served on the following parties at the addresses listed below by U.S. First Class Mail:

William Neary
United States Trustee
1100 Commerce Street, Room 9C60
Dallas, Texas 75242

Debtors
EMILY CRESS SORELLE
5038 OLD JACKSBORO HWY
#401 WICHITA FALLS, TX 76302

Debtor Attorney
John A. Leonard
900 8th St. Suite 327
P.O. Box 8385
Wichita Falls, Tx 76307

Date: January 13, 2011

/s/ Marc McBeath
Office of the Standing Trustee
6308 Iola Ave.
Lubbock, Texas 79424